

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAVIER RODRIGUEZ,

Plaintiff,

v.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,<sup>1</sup>

Defendant.

No. 1:21-CV-00192 (GSA)

STIPULATION TO VOLUNTARY REMAND  
PURSUANT TO SENTENCE FOUR OF  
42 U.S.C. § 405(g) AND TO ENTRY OF  
JUDGMENT; ORDER

IT IS HEREBY STIPULATED, by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new decision.

On remand, the Commissioner will further develop the record as necessary, and issue a new decision. The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted this 13th day of April, 2022.

NEWEL LAW

By: /s/ Melissa Newel\*

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

MELISSA NEWEL  
Attorney for Plaintiff  
(\*as authorized via e-mail on April 13, 2022)

PHILLIP A. TALBERT  
Acting United States Attorney

By s/ Oscar Gonzalez de Llano  
OSCAR GONZALEZ DE LLANO  
Special Assistant United States Attorney  
  
Attorneys for Defendant

**ORDER**

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand. The Clerk of the Court is directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

IT IS SO ORDERED.

Dated: April 14, 2022

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE